

117TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To amend title 10, United States Code, to improve the TRICARE program for certain members of the Retired Reserve of the reserve components.

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IN THE SENATE OF THE UNITED STATES

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Mr. PORTMAN (for himself and Ms. WARREN) introduced the following bill;  
which was read twice and referred to the Committee on

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**A BILL**

To amend title 10, United States Code, to improve the TRICARE program for certain members of the Retired Reserve of the reserve components.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “TRICARE Fairness  
5       for National Guard and Reserve Retirees Act”.

1 **SEC. 2. TRICARE FOR MEMBERS OF THE RETIRED RE-**  
2 **SERVE.**

3 (a) ADJUSTMENT OF ELIGIBILITY.—Paragraph (2)  
4 of section 1074(b) of title 10, United States Code, is  
5 amended to read as follows:

6 “(2) Paragraph (1) does not apply to a member or  
7 former member eligible for retired pay for non-regular  
8 service under chapter 1223 of this title who is under 60  
9 years of age unless such member or former member is in  
10 receipt of such pay (or would be in receipt of such pay  
11 but for section 5304 or 5305 of title 38).”.

12 (b) TRICARE RETIRED RESERVE.—Section  
13 1076e(a) of title 10, United States Code, is amended—

14 (1) in paragraph (1), by striking “who is quali-  
15 fied for a non-regular retirement at age 60 under  
16 chapter 1223 of this title, but is not age 60,” and  
17 inserting “described in paragraph (3)”; and

18 (2) by adding at the end the following new  
19 paragraph:

20 “(3) A member of the Retired Reserve of a reserve  
21 component of the armed forces is described in this para-  
22 graph if the member—

23 “(A) is qualified for a non-regular retirement at  
24 age 60 under chapter 1223 of this title;

25 “(B) is not age 60; and

1           “(C) is not in receipt of retired pay under such  
2           chapter, unless the member is not in receipt of such  
3           retired pay due to the application of section 5304 or  
4           5305 of title 38.”.

5           (c) EFFECTIVE DATE.—The amendments made by  
6           this section shall take effect January 1, 2022.